

Prob12C
DMA (3/2005)

**United States District Court
for the District of Massachusetts
Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

Name of Offender: Bryan Fitzpatrick	Case Number: 11-CR-10018
Name of Sentencing Judicial Officer:	Honorable Rya W. Zobel, Senior U.S. District Judge
Date of Original Sentence:	09/13/2011
Original Offense:	Unarmed Bank Robbery, in violation of Title 18, U.S.C. § 2113(a)
Original Sentence:	84 months of custody followed by 36 months of supervised release
1st Revocation Sentence on 4/10/18:	4 months of custody followed by 24 months of supervised release
2nd Revocation Sentence on 8/28/19:	60 days BOP, credit for time served followed by 24 months supervised release with completion of inpatient substance abuse treatment and sober living for up to 3 months
Type of Supervision: Supervised Release	Date Supervision Commenced: 10/5/2018
Asst. U.S. Attorney: Christine J. Wichers	Defense Attorney: Jamiel Allen

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

Violation of Standard Condition:

1. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 4/29/19, Cole's Place (a residential drug treatment center) informed the U.S. Probation Office that they suspected Bryan Fitzpatrick of illegal drug use. A urine test administered by Cole's Place that date was positive for the presence of cocaine and

marijuana. On 5/1/19, Mr. Fitzpatrick admitted to PO Foster that he relapsed and had used crack cocaine and marijuana on several occasions.

Violation of Special Conditions:

2. You shall reside in a mental health and substance abuse treatment center as directed by the probation office for up to 6 months; Upon release you shall reside in a sober living facility and abide by all the rules and regulations as directed.

3. You shall participate in mental health treatment as directed by the Probation Office.

4. You shall participate in a program for substance abuse counseling as directed by the Probation Office, which program may include testing, not to exceed 104 drug tests per year.

Between 4/29/19 and 5/1/19, multiple communications from Cole's Place revealed that due to Mr. Fitzpatrick's drug use, he would be discharged from Cole's Place and admitted to Hope Center, a higher level of care. Mr. Fitzpatrick was informed that the intent was to stabilize him, assess his commitment to sobriety and to formulate a plan for his release. Due to the length of his stay at Cole's Place (10/18-5/19), program rule violations including pressuring other residents for money, and not engaging with outside sober supports, Mr. Fitzpatrick was not going to be allowed to return to Cole's Place. PO Foster informed Mr. Fitzpatrick that if he remained sober, obeyed program rules at the Hope Center and continued to communicate with probation, every effort would be made to address his relapse from a therapeutic standpoint. Mr. Fitzpatrick failed to complete the intake and left the program against staff advice on 5/1/19.

The Probation Office intended to request a warrant, however, Mr. Fitzpatrick contacted PO Foster on the evening of 5/1/19. He explained that his anxiety was elevated when he fled the Hope Center, but he is aware that he made a poor choice in doing so. After leaving the program, Mr. Fitzpatrick boarded a bus to Boston, but took a return bus to Springfield almost immediately. It is his intention to stabilize at a local hospital and work with Behavioral Health Network (BHN) to see what programming remains available to him. The Probation Office is requesting a summons so that Mr. Fitzpatrick's non-compliance can be addressed with the Court.

U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☒ Revoked
- ☐ Extended for year(s), for a total term of years.
- ☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved
by:

Respectfully submitted,

/s/Michelle Roberts

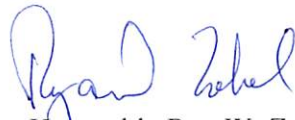
Michelle Roberts
Supervising U.S.
Probation Officer

/s/ Kelly Foster

Kelly Foster
Senior U.S. Probation Officer
Date: 05/02/2019

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Honorable Rya W. Zobel,
Senior U.S. District Judge

Date

May 6, 2019